UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/615,026	07/13/2000	G. Michael Phillips	35512-00035	3955

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EXAMINER
RAHMJOO, MANUCHER

ART UNIT	PAPER NUMBER
2676	

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		09/615,026	PHILLIPS ET AL.
		Examiner	Art Unit
		Mike Rahmjoo	2676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>04 May 2005</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-22</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-22</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 12 and 19- 22 are rejected under 35 U.S.C. 102(e) as being anticipated

by Daly et al (US Patent 6,339,747), hereinafter, Daly.

As per claim 1, 12, and 19- 22 and as to the broadest reasonable interpretation

by examiner, Daly teaches obtaining a plurality of estimated data values, each

comprising an estimate of a corresponding data value (predictions made of cities on the

path of a storm) see for example figures 3- 4 for the weather display 41, 47 which

contains a list of cities in the predicted path of a storm, and the estimated arrival time of

the storm line 42 or a storm cell 52 at those cities, based on automatic storm track

prediction corresponding to an estimate of a corresponding data value; obtaining a

calculated measure of statistical significance for each of said estimated data value see

for example column 6 lines 20- 26 for accurately determined (calculated) and displayed

current position and future path of storm cell information corresponding to obtaining a

calculated measure of statistical significance and figures 3- 4 for the a listing of the

cities in the predicted path of a storm with their timings corresponding to obtaining a

calculated measure of statistical significance; displaying a graph of said plurality of

estimated data values see for example figures 3- 4; wherein each of said estimated data

value is displayed at an intensity level that is a function of the calculated measure of

statistical significance for said estimated data value see for example figure column 11

lines 45- 60 for setting the cue- color and flash (variable intensity) of a storm cell; and

wherein the calculated measure of statistical significance for an estimate data value

comprises an estimate of certainty regarding the estimate of the corresponding data

value see for example figures 3-4 and column 13 lines 25- 45 for the weather display

which contains a list of cities in the predicted path of a storm, and the estimated arrival

time of the storm line or a storm cell at those cities (the path from one city to the next

corresponding to and estimate data value comprising an estimate), based on the

manual or automatic storm track prediction.

Claims 1, 12- 17, and 19- 22 are rejected under 35 U.S.C. 102(b) as being

anticipated by National Weather Service, hereinafter, NWS.

As per claim 1, 12, and 19- 22 NWS teaches obtaining a plurality of estimated

data values, each comprising an estimate of a corresponding data value see for

example the plurality of estimated data values in different shadings each corresponding

to an estimate of a corresponding data value; obtaining a calculated measure of

statistical significance for each of said estimated data value see for example the

calculated measure of statistical significance in percentages; displaying a graph of said

plurality of estimated data values see for example the displayed graph; wherein each of

said estimated data value is displayed at an intensity level that is a function of the

calculated measure of statistical significance for said estimated data value see for

example the graph displayed at different intensity levels; and NWS inherently teaches

the calculated measure of statistical significance for an estimate data value comprises

an estimate of certainty regarding the estimate of the corresponding data value see for

example the graph wherein during the 72 hours starting at 8:00 AM EDT September 09,

2004 four advisory levels with associated numerical (different levels of certainty with

percentages) and graphical probabilities are provided, all of which are based on the

past and current values.

As per claim 13, NWS teaches display characteristic is a size of a data point

displayed for said estimated data value see for example the graph where each estimate

as shown has a size.

As per claim 14- 17, NWS teaches hue, saturation, brightness and color

characteristics for estimated data values see for example the graph where the series

are in color or grayscale and have different brightness.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2- 11, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable

over NWS in view of Harvard Graphics.

As per claim 2 NWS does not teach identification of assets.

However, Harvard Graphics teaches each said estimated (projected) data value

pertains to an asset (sales projections having exogenous variables that contribute to the

projections made) and comprises a measure of the tendency of an asset to change as a

result of a change in a data value for an exogenous variable on the chart of page 11-

33.

It would have been made obvious to one of ordinary skilled in the art at the time

the invention was made to incorporate the teachings of Harvard Graphics into NWS so

that the projected sales including many variables (e.g. exogenous that contribute to the

projections made as shown) are depicted as graphs which show actual (calculated) vs.

projected (estimated), therefore allowing easy and user friendly visual presentations to

public.

As per claim 3, Harvard Graphics teaches estimated data values are displayed in a bar graph that includes a separate bar for each asset shown one per actual bar of the year on the chart of page 11- 33.

As per claim 4, NWS teaches an intensity level that is a function of the measure of statistical significance of the measure of the tendency of the values see for example the different intensity levels on the graph.

As per claim 5, Harvard Graphics teaches a height of each said bar is a second function of the measure of the tendency of the value of the asset to change as a result of a change in the data value for the exogenous variable see for example the chart of page 11- 33 wherein the heights change.

As per claim 6, Harvard Graphics teaches each said estimated data values was estimated using a regression equation, and wherein the measure of statistical significance is a p value that was calculated from the regression equation on page 11- 44 wherein four types of regression (linear, exponential, logarithmic, and power curves) are used.

As per claim 7, Harvard Graphics teaches the function is linear on page 11- 36.

As per claim 8, Harvard Graphics teaches the function is non-linear on page 11- 36(log scale).

As per claim 9 and 18, Harvard Graphics teaches each said data point is displayed as a bar in a bar graph on page 11- 33 where each bar represents the sales of one particular year.

As per claim 10, Harvard Graphics teaches statistical significance is an estimate
of a probability that an actual value for said estimated statistic is outside of a specified
confidence interval around an estimated value for said estimated statistic on page 11-
33 where the projected sales and the actual sales fall outside of each other by some
margin which in this case is in units of millions of dollars.

As per claim 11, Harvard Graphics teaches calculation of the intensity for each
said data point comprises determining 1 minus said estimate of probability (also
discussed on pages 11- 42, 43 where the series are in color or grayscale).

Conclusion

The prior art made of record and not relied upon is considered pertinent to
applicant's disclosure.

US Patent 5,717,589 teaches obtaining a plurality of estimated data values, each
comprising an estimate of a corresponding data value see for example figure 3 block 82
and 94; obtaining a calculated measure of statistical significance for each of said
estimated data value see for example figure 3 block 84 which performs combining
corresponding to obtaining a calculated measure of statistical significance; displaying a
graph of said plurality of estimated data values see for example column 2 line 48;
wherein each of said estimated data value is displayed at an intensity level that is a
function of the calculated measure of statistical significance for said estimated data
value see for example column 2 lines 40- 45; and the calculated measure of statistical
significance for an estimate data value comprises an estimate of certainty regarding the

estimate of the corresponding data value see for example figure 3 block 94 for

predicting and displaying a future expected path of the selected weather cell over a

period of time.

Inquiry

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Mike Rahmjoo whose telephone number is (571) 272-

7789. The examiner can normally be reached on 6:30- 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Matthew Bella can be reached on (571) 272- 7778. The fax phone number

for the organization where this application or proceeding is assigned is (703) 872- 9306

for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 308-

4357.

Mike Rahmjoo

June 3, 2005
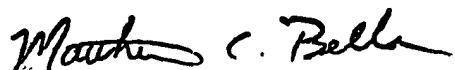
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